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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
CHHOM MAO,
Defendant
Case No. CR S 04-0205
STIPULATED MOTION AND [Lodged]
ORDER TO REDUCE SENTENCE
PURSUANT TO 18 U.S.C. § 3582(c)(2)
RETROACTIVE CRACK COCAINE
REDUCTION CASE

Defendant, Chhom Mao, by and through his attorney, Timothy E. Warriner, and plaintiff, United States of America, by and through its counsel, First Assistant U.S. Attorney Phillip A. Talbert, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);
2. Mr. Mao's offense was found to have involved to 210 grams of cocaine base. When his sentence was originally calculated, the base offense level was 34 and his criminal history category was III. The Court determined the guideline range to be 188 to 235 months, and sentenced Mr. Mao to the bottom of the guideline range or 188 months.

1 3. After Mr. Mao's original sentencing, the Sentencing Commission retroactively amended
2 the guideline offense level for crack cocaine, effective May 1, 2008. The base offense
3 level of 34 was reduced by two levels to a level 32, which produced a guideline range of
4 151 to 188 months imprisonment. Pursuant to a stipulation, the Court thereafter
5 resentenced Mr. Mao to a term of 151 months on November 7, 2008.

6 4. The Sentencing Commission has again retroactively amended the guideline offense level
7 for crack cocaine in Amendment 750. Mr. Mao's new offense level is 30, and with a
8 criminal history category of III, his new resulting guideline range is 121 to 151 months.

9 5. Accordingly, the parties request the court enter the order lodged herewith reducing Mr.
10 Mao's term of imprisonment to a term of 121 months, which is a sentence within the
11 amended guideline range.

13 DATED: November 8, 2011

/s/ Timothy E. Warriner, Attorney for Defendant,
14 Chhom Mao

15 DATED: November 8, 2011

/s/ Philip A. Talbert, First Assistant U.S. Attorney

17 ORDER

18 This matter came before the Court on the stipulated motion of the defendant for reduction
19 of sentence pursuant to 18 U.S.C. § 3582(c)(2).

20 On November 7, 2008, the Court resentenced Mr. Mao to a term of 151 months. The
21 parties agree, and the Court finds, that Mr. Mao is entitled to the benefit of the retroactive
22 amendment reducing crack cocaine penalties, which reduces the applicable offense level from 32
23 to 30.

25 IT IS HEREBY ORDERED that the term of imprisonment is reduced to a term of 121
26 months.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect.

Unless otherwise ordered, Mr. Mao shall report to the United States Probation office closest to the release destination within seventy-two hours after his release.

11/22/11


GARLAND E. BURRELL, JR.
United States District Judge